

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TANYA SILVA,

Plaintiff,

v.

No. 15-cv-1046 MCA/SMV

**BOARD OF COUNTY COMMISSIONERS
FOR THE COUNTY OF ROOSEVELT,
ROOSEVELT COUNTY ADULT DETENTION CENTER,
DAVID CASINOVA, DREW WHITE,
CAMERON RIDENOUR, DIVINE ALCANZO,
JANE-JOHN DOES 1-5, AND JANE-JOHN DOES 6-10,**

Defendants.

ORDER AWARDING EXPENSES

THIS MATTER is before the Court sua sponte. Plaintiff's counsel, Anna C. Martinez, failed to appear at an in-person hearing on Defendants' Motion to Compel [Doc. 30] and Plaintiff's Motion to Withdraw Admissions [Doc. 32], on November 28, 2016, at 9:30 a.m. in Albuquerque, New Mexico. The Court ordered Ms. Martinez to show cause at an in-person hearing on December 12, 2016, in Las Cruces, New Mexico, why she should not be held in contempt or otherwise sanctioned for her failure to appear. Having considered Ms. Martinez's argument at the hearing on December 12, 2016, the relevant law, and being otherwise fully advised in the premises, the Court finds that sanctions, in the form of an award of expenses to Defendants, are appropriate.

Under Federal Rule of Civil Procedure 16(f)(1)(A), a court "may issue any just orders" where counsel "fails to appear at a scheduling or other pretrial conference." "Instead of or in addition to any other sanction, the court must order the party, its attorney, or both to pay the

reasonable expenses—including attorney’s fees—incurred because of” the attorney’s failure to appear. Fed. R. Civ. P. 16(f)(2).

IT IS THEREFORE ORDERED that counsel for Plaintiff, Anna C. Martinez, pay Defendants the reasonable expenses incurred in attending the in-person hearing scheduled for November 28, 2016. *See* Fed. R. Civ. P. 16(f)(1)(A), (16)(f)(1)(B), 16(f)(2).

IT IS FURTHER ORDERED that, by **5:00 p.m. on December 19, 2016**, counsel for Defendants file an affidavit setting out the expenses incurred in attending the hearing scheduled for November 28, 2016. The affidavit must set out the expenses in detail sufficient to allow the Court to determine their reasonableness. Any objections to the amount or reasonableness of the expenses by Ms. Martinez are due by **5:00 p.m. on December 23, 2016**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge